

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Eighteenth Region

NORTHEAST IOWA TELEPHONE COMPANY¹

Employer

and

TEAMSTERS LOCAL 421, affiliated with the
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS

Petitioner

Case 18-RC-17190

DECISION AND DIRECTION OF ELECTION

As amended at the hearing, Petitioner seeks a unit consisting of full-time and part-time technicians, office clerical employees, the plant manager, the wireless networking manager, and all other employees not specifically excluded, who are employed at the Employer's Monona and Decorah, Iowa facilities. Petitioner would exclude from the unit the general manager, office managers, controller, marketing coordinator, custodian, part-time retail employees, guards, and all other individuals excluded by the National Labor Relations Act.

The Employer opposes the petition for several reasons. It contends that the two-facility unit is not appropriate, that the unit should not include office clerical employees, and that the unit includes a number of supervisors as defined by Section 2(11) of the Act. More specifically, the Employer contends that the plant manager, wireless networking manager, and lead technician are supervisors under the Act.

¹ The Employer's name appears as amended at the hearing.

After reviewing the record, I conclude that a unit consisting of employees employed in Decorah and Monona is appropriate. I also conclude, however, that office clerical employees should not be included in the unit, although I order a separate unit of office clerical employees, as Petitioner expressed a desire to represent the office clerical employees in a separate unit should I exclude them from the larger unit. Moreover, I find that the lead technician is not a supervisor. Finally, with regard to the plant manager and wireless networking manager, I conclude that they should vote using the Board's challenged ballot procedure.

Under Section 3(b) of the Act, I have the authority to hear and decide this matter on behalf of the National Labor Relations Board. Upon the entire record in this proceeding I find:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.²
3. The labor organization involved claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The first section of this decision will summarize the record regarding the Employer's operation, including the supervisory hierarchy as to those positions the parties agree are 2(11)

² The Employer, Northeast Iowa Telephone Company, with facilities located in Monona and Decorah, Iowa, is an Iowa corporation engaged in providing telephone services and products, cable television service, internet service, and wireless communication service to various communities in northeast Iowa. During the past calendar year, a representative period, the Employer derived revenue in excess of \$200,000 and received goods, materials and services valued in excess of \$50,000 directly from points outside the State of Iowa.

supervisors. I will then describe the job duties, benefits and working conditions of those positions which the parties stipulate are in the unit. The third section of this decision will review the job duties, benefits and working conditions of the office clerical employees, and explain my conclusion that office clerical employees should not be included in the unit. Next, I will describe the job duties and working conditions of the three individuals in dispute regarding their 2(11) status, and I will explain my conclusions that the lead technician is not a supervisor and that the remaining individuals in dispute should vote challenged ballots. Finally, I will explain my conclusion that the unit sought by Petitioner is appropriate.

THE EMPLOYER'S OPERATION

The Employer has only two locations—one in Monona and one in Decorah, both in Iowa. Decorah and Monona are between 45 and 60 minutes from one another by car, depending on the route driven. The two facilities are both involved in telecommunications—although they have somewhat different specializations. Monona, which is where the Employer originated, provides dial-up telephone, DSL, dial-up internet, wireless internet and cell phone services. Thus, the Monona operation includes construction for new service, as well as providing installation of wiring in buildings. In addition, the Monona facility sells telecommunications equipment and accessories. The Decorah facility, which the Employer purchased in February 2000, is not a service provider. Rather, Qwest and McLeod are the service providers in the Decorah area. The Decorah operation sells telecommunications equipment and accessories, and installs telephone systems. About 80 percent of the systems installed are for business customers. In installing the systems, employees install jacks, cross connect wires and other wiring. The Decorah facility is also different in that it still retains as part of its name, “Craft Phone Service,” which was its name

prior to the Employer's purchase. The Employer's name also appears on the facility, and it appears that, over time, the Employer intends to convert the operation to its name only.

The Employer's Monona facility consists of a building with two floors. The first floor consists of the retail operations; the front desk; and offices for the general manager, the office manager (when she is performing confidential work), the marketing coordinator and the controller. In the open area near the retail space are desks for the customer care administrator, the administrative assistant and the office manager. In the lower level are two rooms, one of which is the breakroom. It is for anyone employed at Monona to use, and it also includes a desk for two of the technicians to use. The other room has a desk for the use of the wireless networking manager, a conference table that is also used by the plant manager, and one desk for the use of a technician. In addition to the conference table, the plant manager has a filing cabinet, computer station and bookshelf for his use, all located in the same room as the conference table.

The Employer's Decorah operation is a large retail store that is one level. Whether the store contains a breakroom or any offices is not set out in the record.

The person of highest authority who is involved in the Employer's day-to-day operations is the general manager, Arlan Quandahl. He is responsible for both facilities. Reporting to Quandahl in Monona are the controller (Brent Beyer), the office manager (Julie Hemmersbach), the plant manager (Dennis Landt), the wireless networking manager (Tom Hahn), and the marketing coordinator (Tracey Smith). The parties agree that the controller, office manager and marketing coordinator should not be in the unit. They also agree that the grounds custodian, who reports to the marketing coordinator, should not be in the unit. In dispute is whether the plant and wireless networking managers are supervisors. Reporting to Quandahl in Decorah is the

office manager (Chris Evenson). The parties agree that Evenson should be excluded from the unit. Reporting to Evenson is Lead Technician Roger Balk, whose supervisory status is in dispute. Also reporting to Evenson are two part-time retail employees, whom Petitioner and the Employer agree to exclude from any unit found appropriate.

POSITIONS STIPULATED IN THE UNIT

Petitioner and the Employer agree that four technicians employed in Monona and one employed in Decorah are in the unit (assuming both facilities constitute an appropriate unit). In Monona the technicians are Scott Chase, who works on equipment at the customers' premises (such as Panasonic key systems); Stanley Dull, who runs equipment that installs cable in the ground (including a back hoe, boring equipment, and boom truck); Bill Moses, who manages the switch at the central office and installs cable TV wiring; and Lucas Griner, who is being trained to conduct site surveys for the installation of, and to actually install, wireless internet systems. The technicians are paid from \$10.50 per hour to \$14.50 per hour. The single technician agreed upon in Decorah is Steve Kuehl, who performs work as assigned by the lead technician, including installing jacks and various kinds of wiring. In dispute is who supervises these five technicians.

The Employer provides jeans and shirts with the Employer's logo on them for the technicians to wear. The Employer also supplies steel-toe boots, other safety equipment, gloves and hats. The general manager determines the work hours of the Monona technicians. In Decorah, the office manager determines the technicians' hours. Technicians drive Employer-provided vans in order to perform their jobs. They perform most of their work in the field. However, in Monona, once the ground is frozen, the amount of work outside declines. At that time technicians could spend up to three-fourths of their time in the office. Among their duties

in the winter would be catching up on paperwork and preparing aerial maps showing the location of Employer equipment, as well as removing snow at some apartments owned by the Employer. On the other hand, the technician in Decorah, whose work is inside customer buildings, is able to perform his same job no matter what the season.

All employees of the Employer have the same handbook and enjoy the same fringe benefits.

OFFICE CLERICAL EMPLOYEES

The Employer employs two employees whose job duties are clerical in nature. Both have desks on the first floor of the Monona facility. No clerical employees are employed in Decorah.

One of the two clerical employees in Monona is the customer service representative. She assists customers who visit the facility, including customers making retail purchases. She also answers the telephone and either directs incoming calls to the appropriate person or prepares a trouble ticket, which she hangs on a corkboard. Technicians then take the trouble tickets and go to the customer to conduct needed repairs. She also maintains the computerized billing system by entering data when bills are paid. At times, customers with service from the Employer out of Monona will pay their bills in Decorah, and then the Decorah operation will contact the customer service representative to make sure data is entered. Bills to customers are generated out of Blair, Nebraska. The customer service representative also handles pay phones, makes daily deposits, maintains the cash drawer, and prepares stock certificates. She also creates status reports which relate to the Employer the number of customers the Employer has for each service and deactivation reports which explain why customers cancel service. The customer service representative is paid \$11.84 per hour.

The second of the two clerical employees has the title of administrative assistant. She is paid \$800 every two weeks. She helps the customer service representative as needed. In addition, the administrative assistant codes all invoices and enters accounts receivable data into the Employer's software system, and handles accounts receivable by applying payments to customer balances. She also files for the general manager and controller, compiles directory information supplied to Qwest, and types all FCC filings.

The two clerical employees are supervised by the Monona office manager. The office manager evaluates them, recommends wage increases for them, disciplines them, and is involved in the hiring of office clerical staff. The Monona office manager does not supervise any technicians. All of the work of the two clerical employees is performed in the Employer's Monona facility, and never out in the field. The two clerical employees are not required to wear any type of uniform, and, of course, have no reason to need safety equipment. Neither uses the type of equipment used by the technicians. Rather, the office clerical employees use typewriters, computers, fax machines, copiers, telephones, and staplers. It appears that both spend between 50 and 60 percent of their days speaking on one of the six telephone lines the Employer has coming in at the Monona facility.

The Employer contends that the clerical employees' interaction with technicians is minimal, and limited to the technicians telling the office personnel where they are going or where they are so they can be dispatched efficiently. However, the customer service representative testified that she has frequent daily interaction with technicians, who come to her with questions about customer complaints or needs for service, or who call from the field with questions related to service orders or trouble tickets.

Conclusion

The Board has long excluded office clerical employees from production units. See, for example, Winn-Dixie Stores, Inc., 153 NLRB 273 (1965). Petitioner offers me little reason to not apply this precedent. For example, while the parties disagree on who supervises the technicians, there is no disagreement that the office clerical employees are separately supervised from the technicians. Moreover, the office clerical employees work solely in the Employer's Monona facility, while the technicians work in the field. The office clerical employees use office equipment, while the technicians use construction or other equipment used for installation of telecommunications systems. The office clerical employees never perform the work of the technicians, and the technicians never perform the work of the office clerical employees. Even assuming that there is frequent, daily interaction between technicians and the two office clerical employees, as contended by Petitioner, this fact alone is insufficient to justify inclusion in the unit. Mitchellace, Inc., 314 NLRB 536 (1994). Therefore, I shall exclude the office clerical employees from the unit sought by Petitioner. Peco Energy Co., 322 NLRB 1074, 1084-1086 (1997) (discussion of Eddystone employee Andrea Bellamy, Cromby clericals, and Eddystone clericals).³

SUPERVISORY ISSUES

There are three individuals whose supervisory status is in dispute. They are Lead Technician Roger Balk, who works in Decorah, and Wireless Networking Manager Tom Hahn and Plant Manager Dennis Landt, who work in Monona. The jobs of each will be considered seriatim, and then I will set forth my conclusions regarding their supervisory status.

³ At the hearing, Petitioner requested that should I conclude that the office clerical employees should not be included in the unit sought by the petition, that I order an election in a separate unit of office clerical employees.

Roger Balk

Balk is employed as a lead technician in Decorah. Unlike Landt and Hahn, Balk is paid an hourly wage. Balk reports to the Decorah office manager, Chris Evenson. Evenson, and not Balk, evaluates employees employed in Decorah. Evenson, and not Balk, recommends wage increases for employees. Evenson, and not Balk, interviews applicants (with or without the general manager) and makes recommendations with regard to hiring. Evenson, and not Balk, approves requests for time off and approves overtime (although it appears Balk can work overtime without first clearing it with Evenson). Evenson, and not Balk, orders supplies and inventory, selects vendors, sets store hours, and writes checks on behalf of the Employer for the Decorah operation. There is no evidence that Balk has ever discharged an employee or recommended that an employee be discharged. While Evenson testified that Balk disciplines employees, the only example she gave in her testimony is that when Steve Kuehl—the other technician employed in Decorah—makes a mistake on the job, it is Balk’s responsibility to go out on the job, correct the mistake, and show Kuehl how to do the job correctly. Evenson acknowledged that Balk has never issued any formal discipline. In fact, there is no evidence that Balk’s corrections of mistakes made by Kuehl are regarded as discipline, or are even recorded anywhere. While not entirely clear, it appears that Evenson and Balk can contact Kuehl and move him from job to job.

Evenson testified that both she and Balk assign work to Kuehl. There is little record evidence regarding what this assignment involves. It appears from the testimony of Steve Kuehl that Balk lines up the work for Kuehl, and if Kuehl has any questions about the work, Balk then tells Kuehl how to perform the job. In doing so, Balk draws diagrams. Balk does not check up on Kuehl’s work, except for jobs where Kuehl has little experience such as a particular type of

phone hook-up. Generally, Balk and Kuehl do not work together during the day. Rather they work on different jobs. Both average about one-half hour in the Employer's facility each day. Both Balk and Kuehl have vans assigned to them to drive to jobs.

Balk generates about 80 percent of Decorah's business. One of his responsibilities is to give presentations on business telephone systems. He also plans jobs, completes jobs himself and, as noted above, explains jobs to Kuehl. Kuehl installs jacks, cross connect wires and other types of wiring. Balk, and not Kuehl, wears a pager on weekends and responds to trouble calls.

Tom Hahn

Tom Hahn is the Employer's wireless networking manager. He is salaried and paid in excess of \$50,000 per year. He works 7:30 a.m. to 5:00 p.m., Monday through Friday. He is not part of the Employer's on-call rotation for weekends (only three of the technicians employed in Monona are on the rotation), but in the event there are any problems with the wireless operation on weekends, the on-call technician contacts Hahn, who then handles the problems. Hahn works with only one employee—Lucas Griner—whose title is wireless technician.⁴ Therefore, the issue is whether Hahn is a supervisor within the meaning of the Act because of his authority over Griner.

Hahn's area of expertise is the wireless internet. While the Employer cannot provide service outside of Monona's geographical area for other forms of telecommunications, it can for the wireless internet. The Employer has built towers in three counties. It installs equipment for customers to take advantage of the wireless technology. It installs antennas on customers' roofs,

⁴ An organizational chart in evidence suggests that the central office technician reports to both Hahn and Plant Manager Dennis Landt. However, there is no record testimony regarding Hahn's supervision of the central office technician.

wires the antennas to indoor radios, and connects the radios to the computers. Hahn takes customer calls. The calls may relate to service problems, which Hahn handles, or the calls may relate to requests for service. Hahn must then schedule a site survey or installation. A site survey is necessary to determine whether coverage exists for the wireless internet (that is, whether the customer can get the service or whether there are impediments preventing service) and to determine what wiring needs to be installed inside. Hahn sends either Griner or whoever he can get to verify that customers can get the wireless signal from the Employer's towers.

Hahn testified that when he was hired, he believed that his position was to be supervisory. He did not supervise any employees for the first six months of his employment because the system took time to get up and running. After about six months, the Employer hired a technician to work with Hahn. When that technician left the Employer's employ, the Employer advertised for a replacement and Hahn interviewed a couple of people. Hahn concluded that most were not qualified, although one of the candidates interviewed with the general manager. According to Hahn, the Employer was about to hire the applicant interviewed by the general manager, when a decision was made to utilize the rest of the technicians in the company and to not replace the technician who left. Without being more specific, Hahn testified "we decided ... at that point that the rest of the technicians at the company could fill in ..." Then about one month before the hearing herein, the Employer hired Griner. Hahn conducted an initial phone interview "to qualify him" (apparently with regard to technical skills), and then the general manager and Hahn interviewed him together. Hahn would not pass on to the general manager for interview any applicant failing to meet Hahn's expectations with regard to technical skills. In fact, the general manager had made a tentative decision to hire an applicant in Decorah, but Hahn then met with the applicant and concluded he lacked necessary technical skills.

According to Hahn, he advised the general manager to not hire the applicant, but no action was taken one way or the other because the applicant never called back.

Hahn testified that he has the authority to discipline employees. However, the only example cited by Hahn occurred with the first technician hired to work with Hahn, who has since quit. In that circumstance, the general manager told Hahn that the technician was spending too much time chatting with the office clerical employees, and further told Hahn to tell the technician to quit spending so much time in the office area talking. Hahn further testified that he does not have the authority to terminate employees. However, he would recommend such action to the general manager if the situation warranted it.

With regard to assigning work, Hahn testified that he tells Griner to go on site surveys or installations as needed. He does so by trying to arrange work geographically—that is, so that Griner can perform all work in a particular area, for the sake of efficiency. Hahn is also the person who decides whether a particular site survey is even done—he won't send Griner out to conduct a site survey at a location Hahn knows is out of the range of the Employer's towers. Hahn also contacts Griner and moves him from one job to another. Hahn can require the wireless technician to work overtime, and need not clear it with the general manager. According to Hahn, he would do so in the event of an outage or if the technician needed more time to complete an assignment that was a long way from home and it would not make sense to send the technician back the next day. Hahn can also alter the work schedules of any technicians working in his area. He testified he did so on one occasion, but that he did tell the general manager about it, who did not object.

Hahn has never performed an evaluation of Griner's performance because he has not been employed long enough to require one (evaluations are conducted after six months of

employment and after that on an annual basis). However, Hahn did conduct an evaluation of the technician whom Griner eventually replaced. While the evaluation itself does not contain a recommendation for a wage increase, Hahn testified that he made a recommendation to the general manager. However, according to Hahn, the Employer ended up giving the technician a larger increase than what Hahn recommended.

Hahn also testified that he granted the technician whom Griner eventually replaced vacation time. He did so after checking the calendar to make sure nothing major was going on, and then told the technician to check with the Monona office manager so she could verify it on her calendar.

At the present time, Hahn spends 70 to 90 percent of his time in the field working. He hopes to spend 50 to 80 percent of his time in the office once Griner is fully trained. According to Hahn, he would spend that time taking care of “engineering and so forth.” Among Hahn’s duties are preparing reports for the general manager, including budget and project reports, and preparing equipment lists.

Hahn attends management meetings. Also attending are the general manager, two office managers, plant manager, controller and marketing coordinator.

Dennis Landt

Dennis Landt has worked for the Employer for 28 years—the last three to four years as plant manager. He is salaried and currently paid in excess of \$50,000 per year. He is not paid for overtime. Prior to becoming plant manager, Landt was an hourly paid technician, with an annual income (excluding overtime) approximating \$40,000 per year. Unlike the agreed-upon unit technicians, Landt does not work the on-call rotation on weekends and is not assigned a van.

Landt testified that at the beginning of his workday he looks at the trouble tickets and if there are any left after the other technicians have taken them, he takes a ticket and goes out to perform whatever job the ticket requires. If there are no tickets left, he goes to a jobsite with another technician, or he might complete paperwork. Among his duties are scheduling construction routes (not explained further) and planning materials used by technicians. He also meets with representatives from other companies. He wears the same uniform and has the same safety equipment as other technicians. Landt testified that he does not assign trouble tickets to technicians. Instead, each technician takes those trouble tickets that involve his area of specialty. On the other hand, one of the evaluations completed by Landt suggests that he does assign work to that particular employee.

According to Landt, he has never disciplined an employee. Landt was inconsistent with regard to whether he believed it is his responsibility to tell the general manager whether technicians are doing their jobs correctly, but it appears that he would tell the general manager if he believed a technician were not performing up to expectations. Landt does not know whether he can terminate employees; according to Landt, the situation has never arisen. Landt has filled out performance evaluations, which, as noted above, do not include a recommendation for a wage increase. According to Landt, he has been asked what kind of a wage increase he thought a technician should get, but has only responded that that is not his responsibility. Landt assumes that the general manager looks at the evaluations completed by Landt in deciding what kind of wage increases to give employees because he does not believe that the general manager performs his own assessment of the work of the technicians in the field. However, until the hearing, Landt had no idea what the technicians were paid and, in fact, has no access to personnel files.

Landt testified that he and the general manager have interviewed applicants together. Landt assesses applicants' skills and tells the general manager what he thinks about their skills.

Landt has never authorized overtime during the week, although he supposes he has the power to do so. He does authorize overtime on weekends—apparently for the technician on call—although the record is unclear why it would be necessary to authorize the on-call technician to work. According to Landt, he and the general manager together decide whether to vary an employee's work schedule. For example, according to Landt, he authorized overtime (including early start times) for employees to complete the McGregor tower project, after the general manager said to get it done. He and the general manager would also together decide whether to send employees home early.

With regard to training employees, Landt has trained a number of the current technicians on all or some aspects of their jobs. According to Landt, he shares what he knows, and views his function as providing his knowledge to others.

Finally, relevant for consideration is Hahn's testimony that he and Landt have the same authority. However, Hahn did not explain the basis for his belief that both have the same authority.

Conclusion

With regard to the lead technician, the Employer has failed to establish that he is a supervisor. The Employer presented no evidence that the lead technician engages in any of the indicia of supervisory status set forth in Section 2(11) of the Act, with the exception of assignment and direction of work. However, the record does not support a conclusion that the lead technician exercises independent judgment in assigning or directing work. First, the lead technician is accountable to the Decorah office manager. Second, it is clear that the Decorah

office manager views herself to be in charge of the Decorah operation, with the ability to set work schedules, change work schedules, and reassign Steve Kuehl (the only technician in Decorah other than the lead technician) if she believes reassignment is warranted.

As contended by the Employer, I acknowledge that the lead technician assigns specific projects to Kuehl, and instructs Kuehl in how to complete projects when Kuehl has questions about them. However, I note that the only evidence in the record suggesting that the lead technician directs Kuehl is that the lead technician draws Kuehl diagrams. I also agree that the lead technician corrects Kuehl's work when incorrectly done. However, I reject the Decorah office manager's characterization of this correction as discipline, because there is no evidence that the Employer, Kuehl, or the lead technician view it as discipline. The record is also clear that the lead technician and Kuehl generally work at different jobs while at work, and therefore the lead technician is not overseeing Kuehl's work at the time it is done.

I find that the evidence supports a conclusion that the lead technician is a more highly skilled employee who is responsible for training a less skilled employee. The Board has long recognized that "there are highly skilled employees whose primary function is physical participation in the production or operating process of their employer's plants and who incidentally direct the movements and operations of less skilled subordinate employees" who are nevertheless not supervisors within the meaning of the Act because their authority is based on their working skills and experience. Southern Bleachery & Print Works, Inc., 115 NLRB 787, 791 (1956), *enfd.* 257 F. 2d 235 (4th Cir. 1958), *cert. denied* 359 U.S. 911 (1959). See also, Electrical Specialties, Inc., 323 NLRB 705 (1997). I also note that there are no secondary indicia suggesting supervisory status. The lead technician is hourly paid, he does not attend

management meetings, and there is no suggestion in the record that his pay is higher than the pay of other technicians.

On the other hand, I conclude that the record evidence is inconclusive regarding the supervisory status of the plant manager and wireless networking manager. It is clear both evaluate employees, and the record suggests that the evaluations have a part in determining wage increases. However, the record does not explain how much of a role the evaluations have in wage increases, and what other factors are considered. It is clear that both participate in the interviews of applicants, although they appear to participate in order to determine the technical skills of applicants. However, the record does not reveal how decisions to hire are made or their precise roles compared to the role of the general manager. In addition, at least Hahn, and perhaps Landt, assign work to employees. But establishing assignment of work is not enough. The issue is whether independent judgment is used—and on this point the record contains little information. Clearly the wireless networking manager views himself as a supervisor, while the plant manager does not. Yet both report directly to the plant manager; have employees reporting to them; and, at least in the view of the wireless networking manager, have the same authority.

I recognize that I could conclude that the Employer has failed to meet its burden of establishing the supervisory status of the plant manager and wireless networking manager. See Custom Mattress Manufacturing, Inc., 327 NLRB 111 (1998). However, unlike the Custom Mattress case, I find that there are more than “mere inferences” of supervisory status. First, there is specific testimony that the individuals in dispute participate in interviewing applicants. Second, there is specific testimony and exhibits that the individuals in dispute evaluate employees and that the general manager somehow relies on the evaluations in determining wage increases. Third, there is testimony that one or both assign work. However, none of this

evidence is sufficiently developed. Finally, some secondary indicia suggest supervisory status. Both are salaried, are paid significantly more than unit technicians, attend management meetings and have titles suggesting supervisory status. On the other hand, if they are supervisors, there are three supervisors (including the general manager) for only four technicians.

Therefore, I conclude that should the plant manager and wireless networking manager choose to vote, they shall use the Board's challenged ballot procedure.

SCOPE OF THE UNIT

General Manager Quandahl works out of the Employer's Monona location. He visits the Decorah facility irregularly, averaging about one day a month. Decorah Office Manager Evenson estimated that she speaks to Quandahl on the telephone about once a week, although she is in more frequent email contact with the Monona office. Monona Office Manager Hemmersbach testified that she has daily contact with Evenson regarding inventory, subscriber agreements for wireless phones, and questions about data that Evenson has entered into the computer regarding Decorah transactions.

There is no evidence of interchange between employees of Monona and employees of Decorah. There is also no evidence of transfers of employees from one facility to the other. Openings in one facility are not posted at the other facility. On occasion, Monona technicians help out in Decorah. One example would be if a customer has a problem with a Panasonic telephone, as only a technician in Monona has the expertise to repair it. In addition, Monona technicians might work in the Decorah area if the Decorah technicians are behind. However, neither of these events occurs with any regularity. Employees from the two facilities attend the same company-sponsored events and sometimes attend the same training programs (but other training programs are attended by only Monona employees).

Conclusion

In this proceeding Petitioner seeks to represent all employees employed by the Employer except for individuals that the parties both agree to exclude. As Petitioner seeks to represent a unit of employees on an Employer-wide basis, I conclude that the unit sought by Petitioner is presumptively appropriate under well-established Board principles. Greenhorne & O'Mara, Inc., 326 NLRB 514 (1998); Western Electric Co., 98 NLRB 1018 (1952). See also Section 9(b) of the Act; Livingston College, 290 NLRB 304 (1988); and Montgomery County Opportunity Board, 249 NLRB 880 (1980). Thus, I reject the Employer's argument that I should analyze this matter using the Board's cases holding single-facility units presumptively appropriate.

It is, therefore, the Employer's burden to establish that the petitioned-for Employer-wide unit is inappropriate. I conclude that the Employer has not met this burden. First, all of the employees sought by Petitioner have the same employee handbook, fringe benefits, and labor relations policies and procedures. Moreover, particularly compelling is the involvement of General Manager Quandahl in the operations of both facilities. Quandahl reviews all evaluations and determines wage increases for employees at both facilities. Quandahl interviews applicants for employment at both facilities (except retail employees in Decorah). In the one example given by the Decorah office manager regarding a problem with an employee, she contacted Quandahl, who drove to Decorah and joined the office manager in meeting with the employee. Moreover, when there are meetings of management personnel, the Decorah office manager is included. Thus, while the record is clear that the Decorah office manager has the authority to set store hours, schedule employee work hours, grant vacation requests, evaluate employees, and to order supplies, it is clear that Quandahl plays an active and important role in the supervision of Decorah employees. In any event, the Board has concluded that an employer-wide unit is

warranted even where separate supervision exists. Livingstone College, 290 NLRB at 305. I also find compelling that the employees at both facilities have the same type of skills and all are classified as technicians. While the Employer argues that the Decorah and Monona operations differ, that position is true only insofar as Monona is a service provider and Decorah is not. Otherwise, at least some technicians at both facilities install wiring.⁵ It is also important that the office manager in Decorah (the only supervisor at that location) is in daily contact with the Monona office.

The Employer's argument that there is little or no interchange between employees at Monona and employees at Decorah is supported by the record. While there are some occasions where Monona technicians work in the Decorah area, it appears minimal. Moreover, there is no evidence of transfers of employees between the two facilities. However, these facts are not sufficient to rebut the presumption that the unit sought by Petitioner is appropriate in light of the clear evidence of similarity in benefits, working conditions and jobs performed among the technicians—wherever they are employed; the day-to-day control exercised by Quandahl over employment decisions affecting the wages, future employment, and discipline of the technicians—wherever they are employed; and Quandahl's role in the hiring of new employees. Montgomery County Opportunity Board, 249 NLRB at 881.

⁵ In its post-hearing brief, the Employer repeatedly makes the point that the operations of Monona and Decorah are engaged "in vastly different businesses," because the Monona technicians perform outside construction only, while the Decorah technicians work only inside businesses and residences. The record supports the Employer's claim only insofar as it is true that Monona technicians engage in outside construction and Decorah technicians do not. However, the record does not support the Employer's claim that Monona technicians do not work inside customers' facilities. For example, the record is clear that when customers contract with the Employer to provide wireless network services (which are available only in Monona), technicians install not only an antenna outside the customers' facilities, but also wiring inside. Another example is that one Monona technician (Scott Chase) works on equipment located in customer premises, including Panasonic telephones. In fact, Chase is the only technician with the skills to work on these phones and on occasion is required to travel to Decorah to assist customers in that area. Finally, while the record contains little detail, Central Office Technician Bill Moses, also in Monona, appears to work in customer premises some of his time.

6. The following employees of the Employer constitute units appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Unit A: All full-time and regular part-time technicians employed by the Employer at its Monona and Decorah, Iowa facilities; excluding office clerical employees, and guards and supervisors as defined in the National Labor Relations Act, as amended.

Unit B: All full-time and regular part-time office clerical employees employed by the Employer at its Monona, Iowa facility; excluding technicians, office managers, and guards and supervisors as defined in the National Labor Relations Act, as amended.

DIRECTION OF ELECTION⁶

An election by secret ballot will be conducted by the undersigned among the employees in the units found appropriate at the time and place set forth in the Notice of Election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the units who were employed during the payroll period ending immediately preceding the date below, including employees who did not work during that period because they were ill, on vacation or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are persons who have quit or been discharged for cause since the designated payroll period,

⁶ Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 - 14th Street, N.W., Washington, D.C. 20570. This request must be received by the Board in Washington by **November 21, 2003**.

employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.⁷

Those eligible shall vote whether or not they desire to be represented for collective-bargaining purposes by Teamsters Local 421, affiliated with the International Brotherhood of Teamsters.

Signed at Minneapolis, Minnesota, this 7th day of November, 2003.

/s/ Ronald M. Sharp

Ronald M. Sharp, Regional Director
Eighteenth Region
National Labor Relations Board

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To ensure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. Excelsior Underwear Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Co., 394 U.S. 759 (1969). Accordingly, it is directed that **two** copies of an election eligibility list containing the full names and addresses of all the eligible voters **in each unit** must be filed by the Employer with the Regional Director within seven (7) days of the date of this Decision and Direction of Election. North Macon Health Care Facility, 315 NLRB 359 (1994). The Regional Director shall make the lists available to all parties to the election. In order to be timely filed, these lists must be received in the Minneapolis Regional Office, 330 South Second Avenue, Suite 790, Minneapolis, MN 55401-2221, on or before close of business on **November 14, 2003**. No extension of time to file these lists may be granted by the Regional Director except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the filing of such lists. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.